IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 23521 of 2004

Between:

1 M. Anjaneyulu, S/o M. Narasimhulu,
2 V. Anjan Reddy, S/o V.C. Gangireddy,
R/o Venkapalli Village,
3 M. Gopal, S/o M. Anjinappa,
R/o Nagecheruvu village.
4 B. Vinod Kumar, S/o B. Nagaraju,
R/o C.K. Palli village,
5 K. Chiranjeevi, S/oK. Nagabhushanam,
Polepalli Village
6 K. Ravi, S/o K. Nagabhushanam,
R/o R. Kothapalli village,
7 V. Narayanaswamy, S/o V. Adinarayana,
R/o Tlhumparthy village,
8 C.Murali, S/o C.C Dugganna,
R/o Polepalli Village,
9 P.Kondanna, s/o P. Peddanna,
R/o Dharmavaram village,
10 K. Murali, S/o K. Subbarayudu,
R/o Nasonakota village,
11 C. Harinarayana, s/o Narayana Kristappa,
R/o Narpala Village,
12 B. Mallikarjuna, S/o B. Yajjanna,
R/o Dharmavaram Village,
13 P. Mareppa, S/o P. Mareppa,
Pothukunta village,
14 G. Chenna Reddy, S/o G. Narapareddy,
R/o Amudalakunta,
15 N. Chandrasekhar, S/o N. Ramakrishna,
R/o Ramagiri village,
16 N. Muthyalanna, s/o Marenna,

R/o Peruru village,

17 K. Vijayakumar Naik, s/o K. Ramawamy Naik,
R/o Gangenepalli Thanda,

18 Y. Saiganesh, s/o Y. Venkatachalapathi,
R/o Dharmavram village,

19 M. Seena Naik, s/o M. Bugga Naik,
Peddapalli village,

20 L. Hanumanth Reddy, S/osL. Venkata Reddy,
R/o Mamillapalli Village,

21 K. Syamsunder, S/o K. Sivaprasad,
R/o Dharmavaram village,,

22 D. Dadavali, s/o D. Alla Bakash,
R/o Penukonda village, (All the above petitioners are students and belongs to
Ananthapur District).

..... PETITIONERS

AND

1 The Commissioner, Employment and Training Department,
Burugula Ramakrishna Rao Bhavan, 3rd Floor, Hyderabad.

2 The Deputy Director, (Exams), Employment and Training Department,
Burugula Ramakrishna Rao Bhavan, 3rd Floor, Hyderabad.

3 Sri Sai Ram Industrial Training Centre, Dharmavaram, Ananthapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or Order or direction, preferable to the nature of Writ of Mandamus declaring the action of the respondents 1 and 2 in debarring the petitioners at the time of declaration of results from the subject of "Engineering drawing" of Electrician Trade course and further action of the respondents in debarring the petitioners for two subsequent examinations even though petitioners have not committed any malpractice in the examinations as petitioners were not booked for any malpractice during the examinations, without giving any notice, without giving an opportunity, behind the back of the petitioners, as highly illegal, unwarranted, in gross violation of principles of natural justice , basic canons of justice and in violation of Article 14, 19 and 21 of the constitution of India and consequently direct the respondents to declare the results of the petitioners by set a siding the above said debarred orders dt. 6-12-2004 and pass such other order or orders.

Counsel for the Petitioner:MR.K.RATHANGA PANI REDDY

Counsel for the Respondents 1 and 2: GP FOR EMPLOYMENT & TRAINING

The Court at the stage of admission made the following ORDER:

Petitioners are students of Industrial Training course. They have appeared in the All India Trade Test paper-II on 22.07.2004. The results of the batch were declared on 06.12.2004. Against the names of the petitioners, it was indicated that they are debarred for two subsequent examinations and that they are eligible to appear only in February 2006. The petitioners state that they were not issued any notices before they were debarred, much less an enquiry was held.

In the counter-affidavit filed on behalf of the respondents, it is stated that during the course of valuation of answer scripts of the paper “Engineering Drawing”, it was noticed that the petitioners have resorted to mosscopying and their writing and drawings were found to be similar with each other. It was stated that the Committee constituted for this purpose examined the matter and decided to impose the punishment of debar on the petitioners for a period of two years.

Heard learned counsel for the petitioners and learned Government Pleader for Employment & Training.

The petitioners appeared in the examinations conducted by the respondents from 22.07.2004 to 31.07.2004. In the results that were declared on 06.12.2004, the petitioners were declared to have failed in the subject “Engineering Drawing” and they were also debarred for two subsequent examinations. It is not in dispute that the respondents did not conduct any enquiry nor issued any notice to the petitioners before this action was taken. The principles of natural justice demand and mandate that before any stigma is attached to any student or any order debarring from examination is passed, the authority concerned has

to issue a notice to such student, intimating him the reasons on the basis of which the action is proposed to be taken. The Supreme Court as well as the High Courts, time and again, held that any action taken in violation of principles of natural justice in such matters would vitiate the entire proceedings. The fact that the respondents constituted a Committee and verified the answer scripts of the petitioners is hardly of any help. It is fundamental that the petitioners be informed of the allegations against them and be given an opportunity to explain the accusations against them.

Hence, this writ petition is allowed on the short ground that the petitioners were not issued show cause notices. The order of debarring them from appearing in the examinations is set aside. It is, however, left open to the respondents to take necessary action, if they wish, duly following the procedure prescribed by law. In case, no notices are issued to the petitioners within four weeks from today, they shall be entitled to pay the fee and appear in the next examinations. There shall be no order as to costs.

30.12.2004

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To

1 The Commissioner, Employment and Training Department,
Burugula Ramakrishna Rao Bhavan, 3rd Floor, Hyderabad.
2 The Deputy Director, (Exams), Employment and Training Department,
3 Two CCs. to the G.P. for Employment and Training, High Court of A.P.,

Hyderabad (OUT).

4 Two CD copies.